


ORIGINAL

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CHARLES E. HILL, In Pro Per

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: 

LA CV17 01145-PA-FFMx
UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHARLES E. HILL, ex rel on behalf
of the United States of America, In
Pro Per

Relator,

vs.

HARVARD UNIVERSITY, an un-
known entity; MARK
ZUCKERBERG, an individual;
EDUARDO SAVERIN, an
individual; and DUSTIN
MOSKOVITZ, an individual,
ANDREW MCCOLLUM, an
individual, CHRISTOPHER
HUGHES, an individual,
FACEMASH, an unknown entity;
FACEBOOK, INC., a Delaware
Corporation, and

DOES 1-30, inclusive,

Defendants

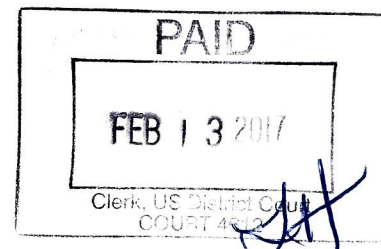
Case No.:

COMPLAINT FOR DAMAGES

FILED UNDER SEAL
PURSUANT TO 31 U.S.C. §
3730(b)(2)

DEMAND FOR JURY TRIAL

1. Violation of the False Claims Act
2. Unjust Enrichment



1 Relator CHARLES E. HILL (“Relator”), ex rel. on behalf of the
2 United States of America, alleges:
3

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5 JURISDICTION AND VENUE

6 1. Jurisdiction is conferred on this Court by the False Claims Act,
7 31 U.S.C. § 3729 et seq. (“FCA”) and 28 U.S.C. § 1331. Venue is proper
8 in the Central District of California because a substantial part of the events
9 and omissions giving rise to the Relator’s claims occurred in this district.
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11

12 PARTIES

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14 2. Relator is a resident of Los Angeles County, California. Relator is an
15 attorney licensed to practice law in California. Relator is handling the
16 filing of the initial Complaint. Relator is in the process of obtaining new
17 counsel, and is expected to have the counsel in place by the time the
18 federal government makes its decision on whether to intervene.
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21 3. Defendant Harvard University (“Harvard”) is a private university
22 located in Cambridge, Massachusetts, and is a business entity of unknown
23 organization.
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26 4. Defendants Mark Zuckerberg, Dustin Moskovitz, and Andrew
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1 McCollum are residents of Santa Clara County, California. Defendant
2
3 Christopher Hughes is a resident of New York. Defendant Eduardo
4 Saverin is a resident of Singapore. Collectively, these five Defendants will
5
6 be called “the individual Defendants.”

7 5. Defendant Facemash, is a business entity of unknown organization.
8
9 Defendant Facebook, Inc. is a corporation incorporated in Delaware, with
10 principal offices in Menlo Park, California.
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12 6. The true names and capacities of Defendants named herein as DOES
13 1-30 are unknown to Relator who therefore sues said Defendants, and each
14
15 of them, by such fictitious names. Relator will amend the Complaint to
16
17 show their true names and capacities when they have been ascertained.
18 Relator is informed and believes and thereon alleges that each of said
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20 fictitiously named Defendants is responsible in some manner for the
21
22 occurrences herein alleged, and that the fraud committed against the
23
24 United States of America as herein alleged, and the unjust enrichment,
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26 were proximately caused by such Defendants’ acts and/or omissions.

27 7. Relator is informed and believes and thereupon alleges that each
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1 Defendant entered into a conspiracy and agreement with the other
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3 Defendants, and/or subsequently joined said conspiracy and ratified the
4 prior acts and conduct of the Defendants who had previously entered into
5 said conspiracy, and, upon information and belief, alleges that all
6 Defendants have knowingly, maliciously, and willfully, entered into said
7 conspiracy, which continues until this day. The purposes of this ongoing
8
9 conspiracy include, but are not limited to, the wrongs alleged herein.
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11

12 8. All Defendants' acts and failures to act as alleged herein were
13 perpetrated in furtherance of the ongoing conspiracy. All of the
14 Defendants, including the Doe Defendants, are alleged to be co-
15 conspirators with each other, in that each agreed to participate and each
16 participated in the furtherance of the objective of a civil wrong, and
17
18 criminal enterprise, as alleged in the Complaint.
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21 9. Relator is informed and believes and thereupon alleges that at all
22 times material herein, each of the Defendants was completely dominated
23 and controlled by his or her co-Defendants, each was the agent,
24 representative and alter ego of the others, and all aided and abetted the
25
26 wrongful acts of the others.
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1 10. At all times herein mentioned, Defendants and DOES 1-30, and
2
3 each of them, were the agents, ostensible agents or employees, employees,
4 joint ventures, shareholders, partners, and alter egos of each of the other
5 Defendants, and each of them, and in doing the things hereinafter
6 mentioned were acting within the course and scope of their authority as
7 such agents, employees, shareholders, joint ventures, partners, and alter
8 egos and with the knowledge, ratification, approval and/or consent of their
9 co-Defendants.
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13 FIRST CAUSE OF ACTION

14 VIOLATION OF THE FALSE CLAIMS ACT

15 (Against All Defendants and Does 1-30)

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18 11. Relator realleges and incorporates by reference the allegations
19 contained in paragraphs 1 through 10 above as though fully set forth.
20

21 Factual Background

22
23 12. In the school year for 2003 and 2004, Harvard participated in a
24 federal program under the Clery Act, 20 U.S.C. § 1092(f). The Clery Act
25 required all institutions who receive federal financial aid funds from the
26 U.S. Government to report certain crime statistics in a crime log. These
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1 crime statistics were then shared with the federal government, so that they
2 could be tracked and monitored. The crime statistics would also be shared
3 with the public, existing students on the campus, and prospective students.
4

5
6 13. In October of 2003, Harvard became aware of crimes that were
7 committed by one of its students that fell within the category of crimes that
8 must be reported under the Clery Act. The student was defendant Mark
9 Zuckerberg. Zuckerberg committed three burglaries by breaking into the
10 residence houses named Quincy, Currier, and Winthrop. The object of the
11 burglaries was to steal data on the students who resided in each residence
12 house that were stored in a protected computer system in each of the three
13 houses, respectively. As will be discussed infra, Saverin said Zuckerberg
14 committed these crimes. Zuckerberg also hacked into the main computer
15 system of Harvard and obtained student data and other information that
16 was privileged. Zuckerberg admitted to hacking into the Harvard system.
17 This admission was made at a disciplinary hearing that Harvard held on
18 November 17, 2003. See Kaplan, Katherine, "Facemash Creator Survives
19 Ad Board," *The Harvard Crimson*, Nov. 18, 2003.
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27 14. Instead of suspending Zuckerberg, Harvard gave out a slap on
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1 the wrist. Harvard made the conscious decision not to report Zuckerberg's
2 criminal actions to the federal government. The criminal actions were the
3 following: (1) the computer hacking of the main Harvard computer
4 system, (2) the hacking into the three computer systems of the three
5 residence houses, and (3) the three burglaries. On or about December 29,
6 2016, Relator checked the Clery Act website under Harvard, and
7 discovered that there is no record of any burglaries being reported at the
8 campus residences at Harvard during the October to November 2003
9 timeframe.

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15 15. On information and belief, Harvard engaged in a conspiracy to
16 hide the crimes for present and future benefits. The computer data stolen
17 by Zuckerberg was used in a website called Facemash created by
18 Zuckerberg that became an overnight Internet sensation. The website was
19 so popular, the activity overloaded Harvard's computer systems. Harvard
20 administrators knew about this popular website before the administrative
21 hearing was held. And, Harvard wanted a piece of this action. With the
22 stolen computer data, Zuckerberg was able to directly and indirectly
23 improve his website by writing additional programs and coding. The other
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1 individual Defendants participated with Zuckerberg in this process.

2
3 16. In the summer of 2004, Zuckerberg left for California, and the
4 Facemash program was relaunched as Facebook, Inc.

5
6 17. Fast forward thirteen years. In late 2016, Zuckerberg and
7 Harvard entered into negotiations concerning a donation Zuckerberg
8 wanted to make to Harvard. This is the return on the crime, or payout, that
9 Harvard had been expecting and waiting for all these years. On
10 information and belief, the donation has not occurred.
11
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13 18. The applicable statute of limitations for a qui tam claim is six
14 years (“SOL”). 31 U.S.C. §3731(b)(1) However, under the last overt act
15 doctrine, the SOL is tolled until the last overt act is completed. Here, the
16 last overt act is the payment back to Harvard, which has not occurred yet.
17
18 Therefore, the SOL has not expired – in fact, it hasn’t even begun to run.
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21 19. Since November of 2003, Zuckerberg has been involved in
22 many civil lawsuits, and on information and belief, in each of these cases a
23 confidentiality agreement was entered into by the parties protecting
24 Zuckerberg’s student records from being made public. These student
25 records would reflect the three burglaries as well as the hacking of the
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1 protected computer systems. This blocking of the release of the
2 information would trigger equitable estoppel principles, which would toll
3 the statute of limitations. A party, who on the one hand hides information
4 that is needed for purposes of providing information on a cause of action,
5 cannot turn around, and on the other hand, claim the clock has run out on a
6 statute of limitations.
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10 20. The Winklevoss twins attended Harvard at the same time as
11 Zuckerberg, and the twins had hired Zuckerberg to do some programming
12 on a social media site. The business deal fell through and the
13 Winklevosses sued Zuckerberg in Massachusetts federal court on
14 September 2, 2004 (Case No. 2004-11923), and that case was consolidated
15 with some other cases, including one in California, which went through
16 many appeals, and a final decision from the Ninth Circuit came out on
17 June 23, 2011. Facebook supposedly was launched by Zuckerberg in
18 February 2004. Note that only 6 months elapsed between the launch of
19 Facebook in February and the filing of the lawsuit by the Winklevosses in
20 September of the same year.
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27 21. On June 30, 2010, Paul Ceglia filed a civil lawsuit against
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1 Zuckerberg, and on information and belief, Relator contends a
2 confidentiality agreement was entered into. The civil case is Ceglia v.
3 Zuckerberg et al, U.S. District Court, Western District of New York, No.
4 10-00569. On March 25, 2014, a federal judge dismissed Ceglia's civil
5 case.
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9 22. There is an overlap in time between the length of the Winkle-
10 voss' confidentiality agreement and the length of the Ceglia confidentiality
11 agreement. By combining the two agreements, there would be tolling for a
12 time period stretching from September 2, 2004 all the way until March 25,
13 2014 (i.e., the date the Winklevoss suit began and the date the Ceglia suit
14 ended). This period calculates out to 115 months. Assuming the statute of
15 limitations started at the time of the disciplinary hearing on November 17,
16 2003, thirteen years and three months have elapsed to the present time for
17 a total of 159 months. Subtracting from 159 months the amount of the
18 tolling period, which is 115 months, leaves 44 months. This is the amount
19 of time that has expired on the statute of limitations without taking into
20 consideration any other tolling theories. Since the qui tam SOL is six
21 years, or 72 months, and by subtracting from that amount the 44 months
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1 that has arguably expired, there are 28 months remaining before the SOL
2 expires.
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4 23. Courts can toll the running of the SOL until such time as the
5 plaintiff knew or reasonably should have known of the facts underlying his
6 or her cause of action. Further, equitable tolling is read into every federal
7 statute of limitations. See *United States ex rel. Hyatt v. Northrop Corp.*,
8 91 F.3d 1211, 1216 (9th Cir. 1996); *United States v. Locke*, 471 U.S. 84,
9 94 n. 10, 105 S.Ct. 1785, 1792 n. 10, 85 L.Ed.2d 64 (1985) ("Statutory
10 filing deadlines are generally subject to the defenses of waiver, estoppel,
11 and equitable tolling.").
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16 24. Here, there would be tolling under two equitable theories: (1)
17 the last overt act doctrine; and (2) the three different confidentiality
18 agreements signed by Zuckerberg with the Winklevosses and Paul Ceglia.
19 When Zuckerberg signed the confidentiality agreements, Zuckerberg was
20 acting on behalf of the other Defendants.
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24 25. In qui tam cases, federal courts recognize that the last overt act
25 doctrine can toll the statute of limitations. See *U.S. ex rel. Griffith v.*
26 *Conn.*, 117 F.Supp.3d 961, 987 (E.D.Ky 2015). Since the transfer of the
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1 illegal funds from Zuckerberg back to Harvard has not yet occurred,
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3 Relator contends that the last overt act has not occurred. Therefore, the
4 SOL has not started to run.

5
6 26. Second, under the confidentiality agreement theory, Zuckerberg
7 and Harvard have blocked the release of the information on the burglaries
8 that is contained in Zuckerberg's student files.
9

10 "Equitable tolling may be applied if, despite all due
11 diligence, a plaintiff is unable to obtain vital information
12 bearing on the existence of his claim . . . If a reasonable
13 plaintiff would not have known of the existence of a possible
14 claim within the limitations period, then equitable tolling will
15 serve to extend the statute of limitations for filing suit until the
16 plaintiff gathers what information he needs." *Santa Maria v.*
17 *Pacific Bell*, 202 F.3d 1170, 1176 (9th Cir. 2000) (internal
18 citation omitted).
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24 27. Fraudulent concealment overlaps with equitable estoppel,
25 which "may come into play if the defendant takes active steps to prevent
26 the plaintiff from suing in time." *Johnson v. Henderson*, 314 F.3d 409, 414
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1 (9th Cir. 2002) (internal quotation marks omitted). Thus, the blocking of
2 the release of the student records by the Defendants that would
3 affirmatively show and reveal the burglaries, which is vital information
4 bearing on the existence of the qui tam claim, triggers both equitable
5 tolling and the fraudulent concealment doctrine. Accordingly, under
6 equitable principles this would be enough to toll the statute of limitations.
7

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10 28. Zuckerberg kept an on-line diary of the start of Facemash. On
11 October 29, 2003, Zuckerberg stated on his diary posts that he had the
12 student data for nine of the houses, and did not have the student data for
13 the remaining three (Quincy, Winthrop, and Currier). By Halloween, the
14 bewitching day, on October 31, 2003, Zuckerberg implicitly stated in his
15 diary that he had all of the data because the website was now complete.
16 We have seen this play out before - from Shakespeare's *The Tragedy of*
17 *MacBeth*, Act IV, Scene 1, "Double, double toil and trouble; Fire burn and
18 caldron bubble.", and from Walter Scott's play *Marmion*, Canto VI, XVII:
19 "Oh! What a tangled web we weave, when first we practice to deceive."
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24 29. Harvard released very little information on the results from the
25 November 17, 2003 administrative board hearing. Zuckerberg was
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1 disciplined but only in a minor fashion. Zuckerberg was not kicked out of
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3 the university. On information and belief, Harvard did not turn over any
4 information to the federal government or to local or state police authorities
5 that Zuckerberg had committed any crimes. Under the Clery Act, Harvard
6 was required to record the three burglaries and computer hacking in a
7 crime log, and this information is then given to the federal authorities in
8 exchange for participating in federal financial aid programs.
9
10

11
12 Harvard decided to opt out of the requirements of the Clery Act.
13 This was not a minor contact breach. Harvard placed the interests of one
14 student Zuckerberg ahead of the interests of the other students.
15

16 30. Facebook has grown into a large corporation with a present net
17 worth in excess of \$360 billion dollars. Zuckerberg has a present net
18 worth in excess of \$60 billion based upon primarily his ownership of stock
19 in Facebook. The other defendants, Moskovitz, Saverin, McCollum, and
20 Hughes have each shared in the financial success of Facebook. On
21 information and belief, Moskovitz, McCollum and Hughes knew or should
22 have known that Zuckerberg committed three burglaries to obtain the
23 missing data. All three of them were roommates of Zuckerberg and
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1 Saverin. On information and belief, Moskowitz, McCollum and Hughes
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3 were aware of Saverin's accusations against Zuckerberg and the
4 burglaries, but have not confirmed or denied the accusation; instead,
5
6 Moskowitz, McCollum and Hughes have decided to remain silent and reap
7 the financial benefits from the ill-gotten gains.
8

9 31. The Defendants violated the False Claims Act under an im-
10 plied certification theory and promissory estoppel theory. Beginning after
11
12 November 17, 2003, Harvard certified on an annual basis that they had
13 complied with the provisions of the Clery Act, when they knew this
14
15 statement was untrue. From 2003 to the present, Harvard has received
16
17 hundreds of millions of dollars in financial aid from the federal
18 government. Harvard is not entitled to this money because they had
19
20 previously opted out of the Clery Act program in order to protect their
21 joint venture and conspiracy with the individual Defendants. Harvard has
22
23 flouted the law at will, and made a mockery of the criminal reporting
24 system, which is a major component of the Clery Act. Ultimately, Harvard
25
26 decided who would be prosecuted under the law. Harvard completely
27 circumvented the judicial system and became judge and jury.
28

1 32. Once the money started rolling in from Facebook, Saverin and
2
3 Zuckerberg later had a falling out over the ownership of Facebook. In
4 starting the company back at Harvard, Saverin accused Zuckerberg of
5
6 burglarizing three of the residence halls and hacking the protected
7
8 computer systems therein in order to obtain the data needed for the
9
10 Facebook program. See *The Accidental Billionaires: The Founding of*
11
12 *Facebook: A Tale of Sex, Money, Genius and Betrayal* written by Ben
13
14 Mezrich (Anchor Books 2010) (p. 41, “Behind every great fortune, there
15
16 lies a great crime.”), which was the book that led to the award-winning
17
18 movie *The Social Network* (Columbia Pictures 2010).

16 33. According to the book’s author, Ben Mezrich, Saverin has not
17
18 changed his position on the burglaries committed by Zuckerberg. To this
19
20 very day, Zuckerberg claims this is all fiction. This unverified allegation
21
22 of the three burglaries made by Saverin is public information.

23 34. In April to May of 2013, Relator purchased a copy of the book
24
25 on Amazon, read the book, and also saw the movie, *The Social Network*.
26
27 At that time, Relator became aware of Saverin’s claims against
28
Zuckerberg.

1 35. On or about November 3, 2016, Relator saw an article on the
2 Internet on the subject of the largest fine ever issued for a Clery Act
3 violation. See Saul, Stephanie, "Penn State Faces Record Fine in
4 Sandusky-Related Case," (New York Times, Nov. 3, 2016). According to
5 the article, the federal government fined Penn State nearly \$2.4 million for
6 failing to comply with the Clery Act. The university failed to alert the
7 public about Mr. Sandusky's conduct and other campus dangers.
8 Similarly, Harvard failed to alert the public about Zuckerberg's conduct,
9 and the conspiracy the university was involved in to cover it up. On or
10 about November 25, 2016, Relator also read a second article on the same
11 subject printed by the Pittsburgh Post-Gazette written by Bill Schackner,
12 "Penn State Will Pay \$2.4 Million For Not Disclosing Crime Statistics."
13

14 36. On December 29, 2016, a check of the Clery Act website by
15 the Relator showed there were no records listed for disciplinary hearings –
16 student housing in the year 2003. Relator went on the Clery Act website,
17 called "CSS - Campus Safety and Security Actions webpage for U.S. Dept.
18 of Education", then searched for the selected university, Harvard, and
19 under the category "Disciplinary Board - Student Housing (for crimes that
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1 occurred on Student Housing)", Relator saw that there was no information
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3 posted for the year 2003 for Harvard. Harvard had a 2003 disciplinary
4 hearing, and yet the statistic is missing from the Clery website.¹

5 6 Theory of Liability

7 37. The FCA provides for liability premised on whether a person:
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9 (1) knowingly presents, or causes to be presented, a false or fraudulent
10 claim for payment or approval; (2) knowingly makes, uses, or causes to be
11 made or used, a false record or statement material to a false or fraudulent
12 claim; (3) conspires to commit a violation of the FCA; (4) knowingly
13 delivers, or causes to be delivered to the Government less than all of the
14 money or property due to the Government; (5) certifies the amount or
15 property to be used by the Government without completely knowing that
16 the information on the receipt is accurate; (6) knowingly buys or receives
17 public property from the Government from someone not authorized to sell
18 the property; or (7) knowingly makes, uses, or causes to be made or used,
19 a false record or statement regarding an obligation to pay or transmit
20 money or property to the Government, or knowingly conceals or decreases
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¹ Also, for the categories of "Larceny-Theft" and "Destruction/Damage/Vandalism of Property" there were no records.

1 an obligation to pay or transmit money or property to the Government. 31
2
3 U.S.C. § 3729(a)(1)(A)–(G). Here, the theory of liability is under a false
4 certification theory, express or implied, and a promissory estoppel theory.
5

6 38. The Defendants violated subsection (1), (2), and (3) of 28
7 U.S.C. § 3729(a)(1)(corresponds to letters A-C). Under subsection (1), the
8
9 Defendants knowingly presented a false or fraudulent claim for payment or
10 approval by certifying Harvard was in compliance with the Clery Act.
11
12 Under subsection (2), the Defendants made a false record or statement that
13 was material to a false or fraudulent claim because they certified there
14 were no burglaries at the Harvard campus in November 2003. Under
15 subsection (3), the Defendants engaged in a conspiracy to block the release
16 of the information on the burglaries and the computer hacking of protected
17 computer systems. The Defendants agreed Harvard would only be a
18 participant in the Clery program in form only. The Defendants would
19 control what crime statistics were reported to the authorities, and if any at
20 all. The Defendants flouted the law.
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25 39. Computer hacking of a protected computer system is a serious
26 federal crime for such conduct violates the Computer Fraud and Abuse Act
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1 (“CFAA”), 18 U.S.C. § 1030, which carries a cumulative maximum
2
3 penalty for each count of \$1 million in fines, 35 years in prison, asset
4 forfeiture, restitution, and supervised release. Here, there are four counts
5
6 since Zuckerberg committed four separate hacking incidents (1 to
7 Harvard’s main computer system, and 3 to the three residence houses he
8
9 had to first burglarize, Quincy, Currier, and Winthrop).

10 40. An example of how serious this federal statute is taken by the
11
12 federal government, in 2011, another student, Aaron Swartz, violated the
13 CFAA. Swartz committed burglary and broke into a protected computer
14
15 system at the Massachusetts Institute of Technology, which is located in
16
17 Cambridge and in close proximity to Harvard. Swartz was caught by a
18 Secret Service Agent, and was prosecuted under the CFAA. While Swartz
19
20 was out on bail awaiting the start of the criminal trial in federal court,
21
22 Swartz hung himself. So, in sum, we have a tale of two universities, a tale
23
24 of two students, and a tale of two vastly different outcomes.

24 The FCA’s Notice Requirements Were Met Prior To Filing

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26 41. Since the new information the Relator has provided arguably
27
28 adds to existing public information provided by Saverin, Relator was

1 required to notify the authorities of the information before filing the
2
3 complaint. See 31 U.S.C. § 3730(e)(4)(B) On February 10, 2017, Relator
4 served a disclosure statement on the U.S. Attorney's Office in Los
5
6 Angeles, CA containing the information to support the qui tam claim.

7
8 Damages

9 42. The FCA was violated for each and every student who had their
10 private information stolen from the burglary and hacking of the computers.
11
12 For each student, there is one violation. The maximum statutory penalty is
13 \$11,000 per violation, and the total number of violations would await
14
15 further proof.

16 43. The conspiracy violated the CFAA, which has as a remedy
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18 asset forfeiture. Instead of going to jail for 140 years, the Defendants face
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20 monetary penalties under the False Claims Act. The fruits of the
21
22 poisonous tree are required to be turned over to the federal government.
23 Hence, the Court should place a constructive trust over the assets of the
24 Defendants.

25
26 44. The government's interest arises pursuant to the relation back
27 doctrine set forth in 21 U.S.C. § 853(c), where the government's interest in
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1 the property is deemed to have vested at the moment the crime occurred.
2
3 The forfeiture statute requires that any property constituting, or derived
4 from, the crime is subject to forfeiture. Also, any proceeds the person
5 obtained, directly or indirectly, as the result of such violation are subject to
6 forfeiture.
7

8
9 45. Here, the stolen data was used directly and indirectly in the
10 structure of the software, and in updating of the software for the website,
11 first at Facemash, and then at Facebook. Under the asset forfeiture
12 provisions, any of the property used to commit the crime would be subject
13 to forfeiture. Hence, Zuckerberg's computer, with all of its storage and
14 memory that was used to hack into the servers in the residence halls and
15 into the Harvard computer system, would be subject to forfeiture. All of
16 Defendants' computers would also be subject to forfeiture.
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21 46. The False Claims Act (FCA) provides that the defendant must
22 pay "three times the amount of damages which the Government sustains
23 because of the act of that person." 31 USCA § 3729(a); 28 CFR § 85.3(9).
24 Therefore, because this conspiracy was so egregious, and involved
25 cheating thousands of students out of the privacy of their student data in
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1 order to receive an investment in a multi-billion dollar Internet startup
2 (which controls a major portion of the Internet activity), and there was an
3 extensive and methodical cover-up, the Court should award the maximum
4 penalties including treble damages.
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7 47. Relator seeks a constructive trust over the property involved in
8 the conspiracy, including but not limited to, all of the Facebook software,
9 hardware, intellectual property, and data, all of the Facemash software,
10 hardware, intellectual property, and data, and all of the individual
11 Defendants' software, hardware, intellectual property, and data that can be
12 traced to the conspiracy.
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16 SECOND CAUSE OF ACTION – UNJUST ENRICHMENT
17

18 (Against All Defendants and Does 1-30)
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20 48. Relator realleges and incorporates by reference the allegations
21 contained in paragraphs 1 through 47 above as though fully set forth.
22

23 49. Defendants received a benefit and have unjustly retained the
24 benefit at the expense of another – the federal government. The
25 Defendants received a benefit from the financial aid funds Harvard
26 received even though Harvard had opted out of the Clery Act. The
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1 Defendants also received a benefit when the crimes were not reported to
2 the federal government or to the Clery Act website. This allowed their
3 conspiracy to continue, without any arrests being made, and which resulted
4 in the launch of Defendant Facebook. Further, the Defendants have
5 unjustly retained the benefit at the expense of the federal government.
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8
9 50. The government has an interest in all that was created by the
10 burglaries and hacking into computer systems. The government's interest
11 arises pursuant to the relation back doctrine set forth in 21 U.S.C. § 853(c).
12 Relator seeks a constructive trust over the property involved in the
13 conspiracy, including but not limited to, all of Facebook's assets, including
14 but not limited to, software, hardware, intellectual property, and data, all of
15 the Facemash assets, including but not limited to, software, hardware,
16 intellectual property, and data, and all of the individual Defendants'
17 software, hardware, intellectual property, and data that can be traced to the
18 conspiracy.
19
20
21
22
23

24 51. Alternatively, Relator is entitled to receive restitution of the
25 benefits unjustly retained.
26
27
28

1 WHEREFORE, Relator respectfully prays that the Court enters
2 judgment against Defendants, and each of them for:
3

- 4 1. Civil penalties fixed by statute pursuant to the FCA, 31 U.S.C. §
5 3729(a)(1);
6
- 7 2. Restitution;
8
- 9 3. A constructive trust over all of the Facebook assets, software,
10 computers, website, intellectual property, and data, and any of its
11 predecessors, including but not limited to Facemash, successors,
12 joint ventures, investments, or spin-offs;
13
- 14 4. A constructive trust placed over all of the individual Defendants'
15 assets, including software, hardware, intellectual property, and
16 data according to proof;
17
- 18 5. Treble damages according to proof;
19
- 20 6. Twenty-five percent of the recovery should be awarded to the
21 Relator;
22
- 23 7. Reasonable attorney's fees and costs;
24

25 ///
26
27
28

1 8. Such other and further relief as the Court deems just and proper.

2
3 Dated: February 11, 2017

4
5 

6 Charles E. Hill

7 Attorney for Relator

8 Charles E. Hill, In Pro Per

DEMAND FOR A JURY TRIAL

Relator Charles E. Hill hereby demands a jury trial.

DATED: February 11, 2017



Charles E. Hill
Attorney for Relator
Charles E. Hill, In Pro Per

ORIGINAL

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☒)
CHARLES E. HILL

DEFENDANTS (Check box if you are representing yourself ☐)
HARVARD UNIVERSITY, MARK ZUCKERBEG et al.

(b) County of Residence of First Listed Plaintiff LOS ANGELES
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.
CHARLES E. HILL ESQ., 180 E. BONITA AVENUE #310, POMONA, CA 91767
TELEPHONE (909) 732-3324

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
☒ 3. Federal Question (U.S. Government Not a Party)
☐ 2. U.S. Government Defendant
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) _____ ☐ 6. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
31 U.S.C § 3729 et seq. - False Claims Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input checked="" type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

LA CV 17 01145-PA-FFMx

CV-71 (07/16)

CIVIL COVER SHEET

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF: <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	INITIAL DIVISION IN CADP IS: Western Southern Eastern	
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> → B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2. YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> → C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2. YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants? Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.) Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
QUESTION E: Initial Division? Enter the initial division determined by Question A, B, C, or D above: →	INITIAL DIVISION IN CADP WESTERN <input checked="" type="checkbox"/>		
QUESTION F: Northern Counties? Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?☒ NO☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?☒ NO☐ YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):***Charles E. Hill*

DATE: 02/10/2017

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))